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CENTRAL FAX CENTER**DEC 29 2006****FAX TRANSMISSION****DATE:** December 29, 2006**PTO IDENTIFIER:** Application Number 10/827,285-Conf. #2646
Patent Number**Inventor:** Te-Fu CHEN et al.**MESSAGE TO:** US Patent and Trademark Office**FAX NUMBER:** (571) 273-8300**FROM:** BIRCH, STEWART, KOLASCH & BIRCH, LLP

Joe McKinney Muncy

PHONE: (703) 205-8026**Attorney Dkt. #:** 0941-0947PUS1**PAGES (Including Cover Sheet):** 11**CONTENTS:**Transmittal (1 page)
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DEC 29 2006

PTO/SB/97 (09-04)

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Application No. (if known): 10/827,285

Attorney Docket No.: 0941-0947PUS1

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PTO/SB/21 (09-06)

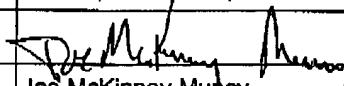
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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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TRANSMITTAL FORM <small>(to be used for all correspondence after initial filing)</small>		Application Number	10/827,285-Conf. #2646
		Filing Date	April 20, 2004
		First Named Inventor	Te-Fu CHEN
		Art Unit	3745
		Examiner Name	D. J. Hanan
Total Number of Pages in This Submission	10	Attorney Docket Number	0941-0947PUS1

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input checked="" type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Other Enclosure(s) (please identify below):
Remarks		

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Firm Name	BIRCH, STEWART, KOLASCH & BIRCH, LLP		
Signature			
Printed name	Joe McKinney Muncy		
Date	December 29, 2006	Reg. No.	32,334

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DEC 29 2006

Docket No.: 0941-0947PUS1
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Te-Fu CHEN et al.

Application No.: 10/827,285

Filed: April 20, 2004

For: FAN ASSEMBLY AND IMPELLER THEREOF

Confirmation No.: 2646

Art Unit: 3745

Examiner: D. J. Hanan

REPLY BRIEFMS Reply Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

As required under 37 C.F.R. § 41.41(a) and 41.43(b), this brief is filed within two months of the mailing date of the Examiner's .

The fees required under § 41.20(b)(2) are dealt with in the accompanying TRANSMITTAL OF APPEAL BRIEF.

This brief contains items under the following headings as required by 37 C.F.R. § 41.37 and M.P.E.P. § 1206:

I.	Status of Claims
II.	Grounds of Rejection to be Reviewed on Appeal
VII.	Argument
VIII.	Claims
Appendix A	Claims

Birch, Stewart, Kolasch & Birch, LLP

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DEC 29 2006

Application No.: 10/827,285

Docket No.: 0941-0947PUS1

I. STATUS OF CLAIMS

A. Total Number of Claims in Application

There are 12 claims pending in application.

B. Current Status of Claims

1. Claims canceled: none
2. Claims withdrawn from consideration but not canceled: none
3. Claims pending: 1-12
4. Claims allowed: none yet
5. Claims rejected: 1-12

C. Claims On Appeal

The claims on appeal are claims 1-12

DEC 29 2006

Application No.: 10/827,285

Docket No.: 0941-0947PUS1

II. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

Claims 1-6, 6-10 and 12 are finally rejected under 35 U.S.C. § 102(b) by Nagai, U.S. Patent 4,647,271.

Claims 5 and 11 stand finally rejected under 35 U.S.C. § 103(a) as being unpatentable over Nagai et al.

Thus, all of the claims are finally rejected.

DEC 29 2006

Application No.: 10/827,285

Docket No.: 0941-0947PUS1

III. ARGUMENT

Further to the Appeal Brief and in response to the Examiner's answer of October 30, 2006, the following remarks are respectfully submitted.

In the Examiner's Answer, the rejection utilizing U.S. Patent 4,647,271 to Nagai et al. is set forth. It should be noted that is shown in Figure 8 of this patent, elements 14 and 16 are not a hub shielding a stator of motor 15. The motor 15 is connected to the elements 14 and 16 via a transmission shaft extending from a body of the motor 15. The elements 14 and 16 are separate from the body of the motor 15. Thus, the elements 14 and 16 are not a hub shielding of a stator of motor 15 and the elements 4 and 6 in Figure 1 are also not a hub shielding a stator of motor 15.

Figure 23 of the Nagai et al. patent does show a motor. Therefore, in Figure 23, elements 41 and 42 are constructively not a hub shielding a stator of motor 15. Thus, the blades 43 are not directly formed on a hub shielding a stator of motor 15 (the body of motor 15). The blades 43 are connected to the motor 15 via elements 41, 42 and transmission shaft.

In claims 1 and 7 of the application, the hub shields a stator of the motor. Also in these claims 1 and 7, there is no other connecting structure between the blades and the hub. Thus, this Nagai et al. patent does not suggest nor render obvious the limitations of claims 1-12 as has been explained in the Appeal Brief.

It is again respectfully submitted that independent claims 1 and 7 as well as the dependent claims all set forth an impeller for a fan driven by a motor and a fan assembly which is neither suggested nor rendered obviousness by the prior art utilized by the Examiner. It is believed that the Appellant has counted all of the reasons given for the rejections of the appealed claims and thus, this rejection does not appear to be proper. Accordingly, it is respectfully requested that this Board reverse the final rejection of claims 1-12.

DEC 29 2006

Application No.: 10/827,285

Docket No.: 0941-0947PUS1

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to our Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under § 1.17; particularly, extension of time fees.

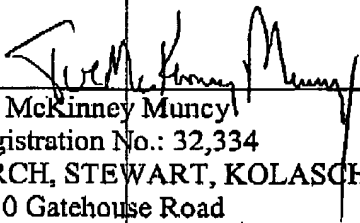
IV. CLAIMS

A copy of the claims involved in the present appeal is attached hereto as Appendix A.

Dated: December 29, 2006

Respectfully submitted,

By


Joe McKinney Muncy

Registration No.: 32,334

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Attorney for Applicant

Application No.: 10/827,285

Docket No.: 0941-0947PUS1

APPENDIX A**RECEIVED
CENTRAL FAX CENTER****DEC 29 2006****Claims Involved in the Appeal of Application Serial No. 10/827,285**

1. (Previously Presented) An impeller for a fan driven by a motor, comprising:
a hub, accommodating the motor therein and having an upper surface, a sidewall and a center point; and
a plurality of blades creating radial air flow and having bottom portions directly arranged in a circle on the upper surface or the side wall with respect to the center point, wherein no connecting structure is provided between the hub and the blades.
2. (Original) The impeller as claimed in claim 1, wherein the blades are formed into an annular structure, having an outer diameter greater than that of the hub.
3. (Original) The impeller as claimed in claim 2, wherein the hub further has a sidewall, and the bottom portion of each blade has a portion extending downward along the sidewall.
4. (Original) The impeller as claimed in claim 1, wherein the blades are formed into an annular structure, having an outer diameter equal to that of the hub.
5. (Original) The impeller as claimed in claim 1, wherein the blades are formed into an annular structure, having an outer diameter less than that of the hub.

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Application No.: 10/827,285

Docket No.: 0941-0947PUS1

11. (Original) The fan assembly as claimed in claim 7, wherein the blades are formed into an annular structure, having an outer diameter less than that of the hub.

12. (Original) The fan assembly as claimed in claim 7, wherein the hub and the blades are integrally formed.

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FAX TRANSMISSION**DATE:** December 29, 2006**PTO IDENTIFIER:** Application Number 10/827,285-Conf. #2646
Patent Number**Inventor:** Te-Fu CHEN et al.**MESSAGE TO:** US Patent and Trademark Office**FAX NUMBER:** (571) 273-8300**FROM:** BIRCH, STEWART, KOLASCH & BIRCH, LLP
Joe McKinney Muncy**PHONE:** (703) 205-8026**Attorney Dkt. #:** 0941-0947PUS1**PAGES (Including Cover Sheet):** 11**CONTENTS:** Transmittal (1 page)
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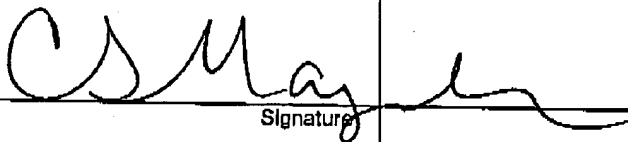
Application No. (if known): 10/827,285

Attorney Docket No.: 0941-0947PUS1

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Christine Magulas

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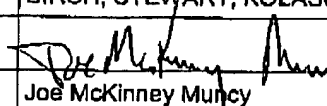
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TRANSMITTAL FORM <small>(to be used for all correspondence after initial filing)</small>		Application Number	10/827,285-Conf. #2646
		Filing Date	April 20, 2004
		First Named Inventor	Te-Fu CHEN
		Art Unit	3745
		Examiner Name	D. J. Hanan
Total Number of Pages in This Submission	10	Attorney Docket Number	0941-0947PUS1

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Remarks		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT			
Firm Name	BIRCH, STEWART, KOLASCH & BIRCH, LLP		
Signature			
Printed name	Joe McKinney Muncy		
Date	December 29, 2006	Reg. No.	32,334

Birch, Stewart, Kolasch & Birch, LLP

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DEC 29 2006

Docket No.: 0941-0947PUS1
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Te-Fu CHEN et al.

Application No.: 10/827,285

Filed: April 20, 2004

For: FAN ASSEMBLY AND IMPELLER THEREOF

Confirmation No.: 2646

Art Unit: 3745

Examiner: D. J. Hanan

REPLY BRIEF

MS Reply Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

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This brief contains items under the following headings as required by 37 C.F.R. § 41.37 and M.P.E.P. § 1206:

- | | |
|------------|---|
| I. | Status of Claims |
| II. | Grounds of Rejection to be Reviewed on Appeal |
| VII. | Argument |
| VIII. | Claims |
| Appendix A | Claims |

Birch, Stewart, Kolasch & Birch, LLP

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Application No.: 10/827,285

Docket No.: 0941-0947PUS1

I. STATUS OF CLAIMS

A. Total Number of Claims in Application

There are 12 claims pending in application.

B. Current Status of Claims

1. Claims canceled: none
2. Claims withdrawn from consideration but not canceled: none
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4. Claims allowed: none yet
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C. Claims On Appeal

The claims on appeal are claims 1-12

Application No.: 10/827,285

Docket No.: 0941-0947PUS1

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Claims 1-6, 6-10 and 12 are finally rejected under 35 U.S.C. § 102(b) by Nagai, U.S. Patent 4,647,271.

Claims 5 and 11 stand finally rejected under 35 U.S.C. § 103(a) as being unpatentable over Nagai et al.

Thus, all of the claims are finally rejected.

DEC 29 2006

Application No.: 10/827,285

Docket No.: 0941-0947PUS1

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Figure 23 of the Nagai et al. patent does show a motor. Therefore, in Figure 23, elements 41 and 42 are constructively not a hub shielding a stator of motor 15. Thus, the blades 43 are not directly formed on a hub shielding a stator of motor 15 (the body of motor 15). The blades 43 are connected to the motor 15 via elements 41, 42 and transmission shaft.

In claims 1 and 7 of the application, the hub shields a stator of the motor. Also in these claims 1 and 7, there is no other connecting structure between the blades and the hub. Thus, this Nagai et al. patent does not suggest nor render obvious the limitations of claims 1-12 as has been explained in the Appeal Brief.

It is again respectfully submitted that independent claims 1 and 7 as well as the dependent claims all set forth an impeller for a fan driven by a motor and a fan assembly which is neither suggested nor rendered obviousness by the prior art utilized by the Examiner. It is believed that the Appellant has counted all of the reasons given for the rejections of the appealed claims and thus, this rejection does not appear to be proper. Accordingly, it is respectfully requested that this Board reverse the final rejection of claims 1-12.

Application No.: 10/827,285

Docket No.: 0941-0947PUS1

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to our Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under § 1.17; particularly, extension of time fees.

IV. CLAIMS

A copy of the claims involved in the present appeal is attached hereto as Appendix A.

Dated: December 29, 2006

Respectfully submitted,

By 

Joe McKinney Muncy

Registration No.: 32,334

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DEC 29 2006

Application No.: 10/827,285

Docket No.: 0941-0947PUS1

APPENDIX A**Claims Involved in the Appeal of Application Serial No. 10/827,285**

1. (Previously Presented) An impeller for a fan driven by a motor, comprising:
a hub, accommodating the motor therein and having an upper surface, a sidewall and a center point; and
a plurality of blades creating radial air flow and having bottom portions directly arranged in a circle on the upper surface or the side wall with respect to the center point, wherein no connecting structure is provided between the hub and the blades.
2. (Original) The impeller as claimed in claim 1, wherein the blades are formed into an annular structure, having an outer diameter greater than that of the hub.
3. (Original) The impeller as claimed in claim 2, wherein the hub further has a sidewall, and the bottom portion of each blade has a portion extending downward along the sidewall.
4. (Original) The impeller as claimed in claim 1, wherein the blades are formed into an annular structure, having an outer diameter equal to that of the hub.
5. (Original) The impeller as claimed in claim 1, wherein the blades are formed into an annular structure, having an outer diameter less than that of the hub.

Application No.: 10/827,285

Docket No.: 0941-0947PUS1

6. (Original) The impeller as claimed in claim 1, wherein the hub and the blades are integrally formed.

7. (Previously Presented) A fan assembly, comprising:

a frame;

a motor, disposed in the frame;

a hub, disposed in the frame and containing the motor therein, having an upper surface, a sidewall and a center point; and

a plurality of blades, creating radial air flow and having bottom portions directly arranged in a circle on the upper surface or the side wall with respect to the center point, wherein no connecting structure is provided between the hub and the blades.

8. (Original) The fan assembly as claimed in claim 7, wherein the blades are formed into an annular structure, having an outer diameter greater than that of the hub.

9. (Original) The fan assembly as claimed in claim 8, wherein the hub further has a sidewall, and the bottom portion of each blade has a portion extending downward along the sidewall.

10. (Original) The fan assembly as claimed in claim 7, wherein the blades are formed into an annular structure, having an outer diameter equal to that of the hub.

Application No.: 10/827,285

Docket No.: 0941-0947PUS1

11. (Original) The fan assembly as claimed in claim 7, wherein the blades are formed into an annular structure, having an outer diameter less than that of the hub.

12. (Original) The fan assembly as claimed in claim 7, wherein the hub and the blades are integrally formed.